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FOR THE COURT

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Counsel for Defendant DAO

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TRI MINH DAO,

Defendant.

No. CR-13-00580 RMW

STIPULATION TO VACATE BRIEFING  
SCHEDULE, CONTINUE STATUS  
HEARING AND EXCLUDE TIME

Defendant Tri Minh Dao and the government hereby stipulate and agree that the status hearing currently scheduled for Monday, June 9, 2014, may be continued to Monday, August 11, 2014, at 9:00 a.m., and that the briefing schedule for pretrial motions be vacated. The reasons for the requested continuance are as follows: (1) discovery relevant to an anticipated motion to suppress evidence is still to be produced, an issue that should be resolved before the motion is filed; (2) the parties are continuing their settlement discussions in an effort to reach a disposition that might obviate the need for pretrial litigation, (3) counsel for both parties are set for trial in early July in an unrelated matter, and government counsel has another unrelated trial in the interim.

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Accordingly, the parties stipulate that the time through and including August 11, 2014, may be excluded from the time within which trial shall commence as the reasonable time necessary for the effective preparation and continuity of counsel and for the ongoing discussions of a possible disposition, pursuant to Title 18, United States Code Section 3161(h)(7)(A) and (h)(7)(B)(iv).

Dated: June 6, 2014

s/ \_\_\_\_\_  
CASEY O'NEILL  
Special Assistant United States Attorney

Dated: June 6, 2014

s/\_\_\_\_\_  
CYNTHIA C. LIE  
Assistant Federal Public Defender

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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA, ) No. CR-13-00580 RMW  
12 )  
13 Plaintiff, ) ☐ ORDER TO VACATE  
14 vs. ) BRIEFING SCHEDULE, CONTINUE  
15 TRI MINH DAO, ) HEARING AND EXCLUDE TIME UNDER  
16 Defendant. ) THE SPEEDY TRIAL ACT  
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17 Good cause appearing and by stipulation of the parties, it is hereby ordered that the status  
18 hearing currently scheduled for Monday, June 9, 2014, shall be continued to Monday, August  
19 11, 2014, at 9:00 a.m.


20 It is further ordered that the briefing schedule for the defendant's motion to suppress  
21 evidence under the Fourth Amendment shall be vacated, pending the August 11, 2014, hearing  
22 date.

23 It is further ordered that the time through and including August 11, 2014, shall be  
24 excluded from the computation of time within which trial shall commence under the Speedy  
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1 Trial Act, as the reasonable time necessary for effective preparation and continuity of counsel,  
2 pursuant to Title 18, United States Code Section 3161(h)(7)(A) and (h)(7)(B)(iv).

3 It is so ordered.

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5 Dated: June 1, 2014

  
6 HON. RONALD M. WHYTE  
7 United States District Judge  
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